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INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
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RUEHPB/AMEMBASSY PORT MORESBY 4123
RUEHUL/AMEMBASSY SEOUL 5223
RUEHKO/AMEMBASSY TOKYO 2840
RUEHWL/AMEMBASSY WELLINGTON 3329
RUEHHK/AMCONSUL HONG KONG 3161
RUEHBA/AMCONSUL PERTH 1335
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RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002244

SIPDIS

DEPT. FOR EAP, EAP/MTS, EAP/MLS, DRL, DRL/AWH
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SUBJECT: CLOSING ARGUMENTS IN CASE INVOLVING MURDER OF
HUMAN RIGHTS ACTIVIST MUNIR

REF: JAKARTA 2101 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: Prosecutors and the defense are making closing arguments in the trial of Muchdi Purwoprandjono for conspiring in the 2004 murder of human rights activist Munir Said Thalib. Prosecutors recommended a 15-year prison sentence for the former intelligence official and Army Special Forces (KOPASSUS) commander. Activists thought that prosecutors should have pressed for more. A verdict in the case could come as early as late December. The GOI is pressing hard for a conviction in this landmark case for accountability. END SUMMARY.

TRIAL MOVES TOWARD CONCLUSION

12. (SBU) A long-running legal case is moving toward conclusion. Testimony ended on December 11 in the trial of Muchdi Purwopranjono, the former deputy chief of the Indonesian intelligence agency (BIN), who is accused of plotting the murder of well-known human rights activist Munir Said Thalib in October 2004. Prosecutors recommended a 15-year prison sentence for the former BIN official. Prosecutors allege that Muchdi assigned an intelligence agent to poison Munir, an outspoken critic of human rights violations by security forces. Pollycarpus Priyanto has already been sentenced to 20 years in prison for poisoning Munir, allegedly under Muchdi's instructions. Pol FSN attended the hearings.

PROSECUTION RECAPS

13. (SBU) The prosecution summarized the following key points during closing arguments:

--Prosecutors alleged that Muchdi's motive was Munir's investigation of human rights violations involving Muchdi when he was a military officer. (Note: Muchdi was a high-level military officer. He was briefly chief of

KOPASSUS, Army Special Forces, for example, and held other key jobs. Forces within his command have been linked to kidnappings and killings of political opponents of the Suharto regime.)

--Muchdi and Pollycarpus met on several occasions and cell phone records confirm conversations between the two.

--Muchdi ordered that an agent pay Pollycarpus to murder Munir (see reftels).

DEFENSE HITS BACK

¶4. (SBU) During its closing statement, Muchdi's defense team asserted that prosecutors are clinging to "circumstantial evidence." Defense lawyers said prosecutors relied too heavily on previous testimony eventually retracted during the trial. They noted that the no one witnessed conversations between Muchdi and Pollycarpus. Defense lawyers dismissed the prosecution's claims of a "revenge motive" as "speculation."

¶5. (SBU) Closing arguments for the defense team will continue next week and there is further opportunity for prosecutorial rebuttal. Judges said a verdict is anticipated before the end of the year.

ACTIVISTS HAVE CONCERNS

¶6. (C) Pol/FSN spoke with Suciwati, Munir's widow, following the sentencing hearing. Suciwati was disappointed that the prosecutor's recommendation of a 15-year sentence if Muchdi is convicted on the charges. Suciwati's attorney, Usman

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Hamid, told Pol/FSN that prosecutors should have considered Muchdi's role in planning Munir's murder and demanded a harsher sentence.

¶7. (C) Rafendi Djamin, coordinator of Human Rights Working Group, told poloff that the lighter recommended sentence might be explained by the fact that several witnesses withdrew their testimony. During the trial, five witnesses retracted statements made to police directly linking Muchdi to Munir's murder. Prosecutors also failed to summon Budi Santoso, a key witness in the Pollycarpus trial and currently assigned to the Indonesian Embassy in Pakistan (see reftel). The trial judges received a note from Santoso from the Indonesian Embassy in Pakistan retracting his entire statement on the case. However, the validity of the note was questioned by prosecutors.

A KEY CASE

¶8. (C) A conviction in this case would be a major win for accountability. It is very rare for someone of Muchdi's stature (a former top intelligence official, a former key general, etc.) to face prison time in Indonesia. That said, the Munir murder was so shocking that the public--spurred on by activists--has demanded justice. To its credit, the GOI got the message (including from the U.S. and the rest of the international community) and is pressing the case hard. Whether the prosecution should have pressed for more than a 15-year sentence is a good question, although many sentences handed down by the Indonesian judicial system sometimes seem light compared to those in the U.S.

HUME